REMARKS

This is in response to the Office Action mailed March 26, 2007 (hereinafter "Office Action"), in which the Examiner rejected claims 1-25 and made the rejections final. Reconsideration of the application is respectfully requested.

Response to Examiner's Answer

In Applicant's response of December 6, 2006, Applicant provided explanations as to why the claims of the present application are not anticipated by the cited reference Tim von Kaenel et al. (hereinafter "Kaenel"). In particular, Applicant explained why the cited sections did not disclose or read on the claimed elements for which they were cited. Additionally, in some instances, Applicant explained that the cited grounds for rejecting the claim was insufficient to support the rejection because the Examiner did not identify where the cited reference disclosed all of the claimed elements. This generally occurred where the Examiner applied the grounds corresponding to one claim, as the same grounds for rejecting another (e.g., claims 9, 15 and 19).

The Examiner failed to address, let alone rebut, Applicant's arguments that were presented in the response filed December 6, 2006. Rather, the Examiner discussed rules and case law in the Office Action, but did not apply the cited rules and case law to the claims or address any of the specific arguments raised by Applicant.

For instance, in response to Applicant's arguments presented December 6, 2006, the Examiner, explained that he can give the claim limitations their broadest reasonable interpretation in light of the specification [pages 2-3]. However, the Examiner failed to apply the cited rule to any of the claims or use the cited rule to address Applicant's previously presented arguments. The Examiner also explained that prior art disclosure need not be express in order to anticipate, but can also be inherent in the reference [page 3]. While Applicant agrees that disclosure in a prior art reference includes non-explicit inherent subject matter, the Examiner, as above, failed to apply the cited rule to the present case or use the cite rule to rebut Applicant's arguments. For example, the Examiner did not cite any

disclosure in the reference as being "inherent" or how such disclosure read on the claim language. The Examiner also provided an explanation of various rules and case law relating to anticipation of a claim [page 4], but did not use the cited rules and case law to rebut any of the arguments previously presented by Applicant.

Accordingly, arguments presented by Applicant in the response filed December 6, 2006 with regard to the rejections of claims 1-25 have been ignored and have not been rebutted by the Examiner. As a result, the Examiner's rationale for the rejections, particularly in view of Applicant's arguments, remains unclear and cannot support a *prima facie* case of anticipation against the claims. Therefore, the arguments first presented in the response submitted December 6, 2006, which have not been addressed by the Examiner, are presented again below.

As previously requested in the response submitted December 6, 2006, Applicant respectfully requests that the Examiner fully address the arguments presented by Applicant, provide a clear explanation of how the reference and the claim language are being interpreted, and identify the particular elements within the cited passages that the Examiner believes reads on each element of the claims. Additionally, Applicant requests at least one opportunity to respond to the clarified grounds for rejection. Accordingly, Applicant requests that the Examiner withdraw the finality of the present rejections to give Applicant at least one opportunity to fully respond to any claim rejections made by the Examiner including the right to amend the claims.

Claim Rejections – 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication Number 2004/0117358 A1 issued to Tim von Kaenel et al. (hereinafter "Kaenel"). Applicant respectfully believes that the rejections should be withdrawn for the reasons set forth below.

Claims 1-8

A *prima facie* case of anticipation has not been established with respect to claim 1, because the cited reference fails to disclose all of the claimed elements. For instance, the Examiner found paragraph 0329 of Kaenel to identically disclose "c) providing a subscription list of the entities, the subscription list being defined by subscription metadata stored in a subscription data store of a mobile computing device", as provided in claim 1. However, the cited paragraph 0329 merely describes how the metadata is used to "locate, retrieve, and render the data for the client software 1590." Additionally, the cited paragraph does not disclose any elements that one could reasonably construe as reading on the claimed "subscription list", "subscription metadata", "subscription data store" or "mobile computing device" provided in step c) of claim 1.

Additionally, neither of the stores 1560 and 1570 of the distributed computing environment 1500 shown in FIG. 15 is disclosed as being components of a mobile computing device. Moreover, the Examiner, in his response to Applicant's arguments, appears to find the stores 1560 and 1570 as reading on the claimed "first data store". Since the claimed first and second data stores are distinct elements, at least one of the claimed data stores is not disclosed by the cited reference. Thus, there is no data store disclosed in the cited paragraph or even FIG. 15 of Kaenel that one could reasonably construe as disclosing the claimed "subscription data store of a mobile computing device". Therefore, the Examiner has not provided sufficient support for the finding that the cited reference discloses step c) of claim 1.

The Examiner also found paragraph 0329 of Kaenel to identically disclose "sending the customized metadata corresponding to the entities identified in the subscription list to the mobile computer device", as provided in step d) of claim 1. However, the cited paragraph fails to disclose a mobile computing device, a subscription list or sending metadata to a mobile computing device based on a subscription list. Therefore, the Examiner has not provided sufficient support for the finding that the cited reference discloses step d) of claim 1.

The Examiner found paragraphs 0065, 0337 and FIG. 18 to identically disclose "storing the sent customized metadata in a second data store of the mobile computing device", as provided in step e) of claim 1. However, nowhere in the cited paragraphs or figure is there any disclosure of a mobile computing device or a second data store of a mobile computer device. Therefore, the Examiner has not provided sufficient support for the finding that the cited reference discloses step e) of claim 1.

Accordingly, a *prima facie* case of anticipation has not been established against claim 1 because the cited paragraphs fail to disclose each of the claimed elements. As a result, Kaenel does not anticipate claim 1, and Applicant requests that the rejection of claim 1 be withdrawn.

Claims 2-8 are not anticipated by Kaenel for at least the reasons set forth above with regard to claim 1. Additional grounds for finding that the claims are not anticipated by Kaenel are provided below.

In rejecting claim 2, the Examiner cited paragraph 0400 of Kaenel. The cited section discusses how the invention of Kaenel allows for multiple data layers to be printed and is unrelated to the a software-implemented business process of claim 2. More importantly, the cited paragraph of Kaenel does not disclose "sending the data corresponding to the entities identified in the subscription list to the mobile computing device" as provided in claim 2. Additionally, there is no connection between the disclosure of paragraph 400 and the stores 1560 and 1570 discussed in paragraph 0324, which was also cited by the Examiner, including "storing the sent data in the second data store", as described in claim 2. Accordingly, the Examiner has not provided sufficient support for the finding that the cited reference anticipates claim 2. Therefore, Applicant requests that the rejection be withdrawn.

The Examiner found paragraph 0471 of Kaenel to identically disclose "populating an entity defined by the sent customized metadata with the corresponding sent data", which is provided in claim 3. However, nowhere in the cited paragraph 0471 is there any discussion of

populating an entity as describe in claim 3. Accordingly, a *prima facie* case of anticipation has not been established with regard to claim 3.

The Examiner also cited paragraph 0471 as identically disclosing "displaying the populated entity on the mobile computing device in accordance with a form defined by the sent customized metadata for the populated entity" as provided in claim 4. However, the nowhere in the cited paragraph is there any discussion of displaying the claimed populated entity on a mobile computing device in accordance with a form, as described in claim 4. Accordingly, the Examiner has not provided sufficient support for the finding that the cited reference anticipates claim 4. Therefore, Applicant requests that the rejection be withdrawn.

In rejecting claim 5, the Examiner found paragraph 0354 to disclose "wherein the mobile computing device is selection from a group consisting of a mobile phone and a personal digital assistant (PDA)". However, the cited paragraph fails to even mention a mobile computing device, a mobile phone or a PDA that is in accordance with the present invention. Rather than being used as described in claim 5, the device disclosed in paragraph 0354 is only used to generate spatial data. For example, the device disclosed in paragraph 0354 does not include the claimed "subscription list" or "subscription data store". Additionally, the device of Kaenel does not receive customized metadata corresponding to the entities identified in the subscription list (step d) and it does not store the customized metadata in a second data store of the device (step e). Accordingly, the Examiner has not provided sufficient support for the finding that the cited reference anticipates claim 5. Therefore, Applicant requests that the rejection be withdrawn.

Accordingly, withdrawal of the rejections of claims 2-8 is respectfully requested.

Claims 15-18

Independent claim 15 is directed to a system configured to customize a computer-implemented business process. In supporting the rejection of claim 15, the Examiner identified paragraph 0269 of Kaenel as disclosing the claimed synchronizer, and referred Applicant to the rejection of claim 1 for the disclosure of the remaining elements of claim 15.

However, in rejecting claim 1, the Examiner did not identify where Kaenel et al. disclose "a user interface configured to generate customized metadata defining entities in response to user input", "a first data accessing system configured to access the customized metadata and the data contained in the first data store", "a mobile computing device including . . . a subscription metadata store . . . a second data store . . . and a second data access system configured to access the subscription metadata and the second data store" as provided in claim 15.

Additionally, paragraph 0269 does not disclose a "synchronizer" or other component that is "configured to send the customized metadata corresponding to the entities identified in the subscription list to the mobile computing device for storage in the second data store", as provided in claim 15. Accordingly, the Examiner has not provided sufficient support for the finding that the cited reference anticipates claim 15.

Therefore, withdrawal of the rejection is respectfully requested.

Additionally, Applicant submits that claims 16-18 are not anticipated by the cited reference for at least the reasons set forth above with regard to claims 1 and 15 and requests that the rejections be withdrawn.

Independent Claims 9 and 19 and Related Dependent Claims

In rejecting independent claims 9 and 19, the Examiner refers Applicant to the rejections of claims 1-8 and 15.

The paragraphs of Kaenel cited by the Examiner in rejecting claims 1-8 and 15 do not disclose several steps of the method of customizing a software implemented business process described in claim 9. For example, as discussed above with respect to claim 1, paragraph 0248 of Kaenel does not disclose the step of "providing customized metadata defining entities", paragraph 0324 of Kaenel does not disclose "storing the customized metadata and data corresponding to the entities in a first data store", and paragraph 0329 of Kaenel does not disclose "providing a subscription list of the entities, the subscription list being defined

by subscription metadata stored in a subscription data store of a mobile computing device", as provided in independent claim 9.

Additionally, the Examiner has not identified where Kaenel et al. disclose "populating the entities identified by the subscription list with the corresponding data in accordance with the customized metadata; sending the populated entities to the mobile computing device; and storing the populated entities in an object data store of the mobile computing device", as provided in claim 9. These steps are not disclosed in the paragraphs cited by the Examiner with respect to claims 2 and 3, for the reasons set forth above.

Moreover, the populating, sending and storing steps of claim 9 describe a feature of the invention that is different from that provided in claims 2 and 3. For instance, the populating, sending and storing steps of claim 9 describe how the populated entities are sent to the mobile computing device, as opposed to sending the data to the mobile computing device then populating the entities as described in claims 2 and 3. None of the paragraphs cited by the Examiner with respect to claims 1-8 and 15 describe this feature.

Accordingly, claim 9 and claims 10-14, which depend from claim 9, are not anticipated by Kaenel.

Claim 19 is directed to a method of customizing a software-implemented business process on a mobile computing device. As with claim 9, several of the steps of claim 19 that the Examiner may have construed as overlapping steps of claims 1-8 are not disclosed by the paragraphs of Kaenel that were cited by the Examiner as disclosing the similar steps of claims 1-8. For example, as discussed above with regard to claim 1, paragraph 0248 of Kaenel does not disclose the step of "providing customized metadata defining customizations of the software-implemented business process" and paragraph 0324 of Kaenel does not disclose "storing the metadata in a data store of the mobile computing device", as provided in independent claim 19.

Additionally, claim 19 includes method steps that are not explicitly described in claims 1-8 and 15 and, thus, the Examiner did not identify the disclosure of Kaenel that

corresponds to such steps. For example, claims 1-8 and 15 do not include steps of "deploying the metadata to the mobile computing device" or "applying the customizations defined by the metadata to the software-implemented business process", as provided in claim 19, and the Examiner did not identify where such steps were disclosed in Kaenel. Accordingly, a *prima facie* case of anticipation has not been established against claim 19.

Therefore, claim 19 and its dependent claims 20-25 are not anticipated by Kaenel.

Conclusion

In view of the above remarks, Applicant believes that the present application is in condition for allowance. Reconsideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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